

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:13-cv-00540-FDW-DSC**

**SGL CARBON, LLC, SGL CARBON)
GMBH, SGL CARBON SDN BHD, &)
SGL CARBON ASIA-PACIFIC SDN)
BHD)**

Plaintiffs,

vs.

**JAMES D'WAYNE COOK &)
INNOVATIVE CARBON SOLUTION,)**

Defendants.

ORDER

THIS MATTER is before the Court, *sua sponte*, regarding the status of the case. In their Joint Notice of Settlement (Doc. No. 15), the parties advised the Court that they have settled all matters in controversy among them. A Stipulation of Dismissal Without Prejudice was filed collectively by Plaintiffs and Defendant James D'Wayne Cook March 31, 2014. (Doc. No. 17).

Plaintiffs have failed to show adequate proof of service effectuated on the remaining Defendant Innovative Carbon Solutions (ICS). ICS has not appeared in the action and is not a party to the Stipulation of Dismissal. By Court Order issued March 24, 2014, the parties were given notice that the case would be dismissed if an entry of judgment or stipulation of dismissal as to all parties was not filed by March 31, 2014.

Accordingly, this matter is **DISMISSED WITHOUT PREJUDICE** as to Defendant ICS, and the clerk is directed to **CLOSE THE CASE**.

Signed: April 3, 2014



Frank D. Whitney
Chief United States District Judge

